

# EXHIBIT 11

## MAO DECLARATION ISO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

PUBLIC REDACTED VERSION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, et al.,  
Plaintiffs,

v.

Case No.

GOOGLE LLC,

20-cv-04688-RS

Defendant.

\*\*\*\*\*

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY  
ZOOM VIDEOTAPED DEPOSITION OF DAVID MONSEES

Thursday, September 15, 2022

9:00 a.m. PST

\*\*\*\*\*

TAKEN BY:

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VIDEOGRAPHER:

Anthony Gulino

1 profiles, is there a list of what products 06:26:27  
2 may actually use either of these two 06:26:33  
3 functionalities within Google? 06:26:36  
4 A. Out -- outside of Footprints 06:26:40  
5 then since, you know, WAA's off in this 06:26:41  
6 case, I -- I don't know. 06:26:45  
7 Q. Got it. Super helpful. You'd 06:26:46  
8 be surprised in these cases how super 06:26:48  
9 helpful either negative or double negative 06:26:51  
10 answers actually are because that at least 06:26:53  
11 tells you that, you know, like, your -- 06:26:55  
12 you need to look elsewhere. 06:26:57  
13 Let's see. Give me a second 06:26:59  
14 here so I could -- okay. 06:27:01  
15 So let's go back to 36 now, 06:27:04  
16 again, okay? And I'm back at that same 06:27:11  
17 page, I think it's 8. Let me just make 06:27:14  
18 sure, again, that list. You see there on 06:27:20  
19 the right there is a product App indexing? 06:27:33  
20 A. I see that, yes. 06:27:38  
21 Q. I'll just warn you there has 06:27:40  
22 been a lot of debate over it, okay, so I 06:27:41  
23 am literally asking, trying to understand 06:27:45  
24 what you understand app indexing to be. 06:27:46  
25 What exactly is app indexing as a product 06:27:50

Page 211

1 or data type? 06:27:53

2 A. Sure. My familiarity with it is 06:27:56  
3 to deal with the search app indexing API, 06:28:02  
4 that created a way for app developers to 06:28:06  
5 annotate their apps such that information 06:28:14  
6 about activity in the app could be used by 06:28:17  
7 the Google Search app and if a user had 06:28:21  
8 consented can be uploaded and saved as 06:28:27  
9 part of their Google account underneath 06:28:31  
10 Supplemental Web and App Activity to give 06:28:35  
11 them more personalized experiences across 06:28:36  
12 Google Services. 06:28:40

13 Q. Got it. Do you know whether if 06:28:42  
14 sWAA is off, whether or not app indexing 06:28:46  
15 data is still collected by Google? 06:28:50

16 A. [REDACTED] 06:28:54  
17 [REDACTED] 06:28:55  
18 [REDACTED] 06:29:00

19 Q. [REDACTED] 06:29:01  
20 [REDACTED] 06:29:04  
21 [REDACTED] 06:29:08

22 MR. SANTACANA: Sorry, you just 06:29:12  
23 said -- (Cross talk) -- ask it 06:29:14  
24 clearly. 06:29:14

25 MR. MAO: I understand. I 06:29:21

1 appreciate it, okay. 06:29:22

2 BY MR. MAO: 06:29:22

3 Q. So -- so going back to the -- 06:29:24

4 the network flow that we had talked about 06:29:28

5 before, right, where the check, okay, the 06:29:29

6 checking on a SWAA-on, the SWAA-off is -- 06:29:34

7 I'll just use the word typically not done 06:29:40

8 until [REDACTED] 06:29:42

9 [REDACTED] The reason why I'm asking 06:29:47

10 is because app indexing to me, at least in 06:29:49

11 the technical level, is driven by tags 06:29:55

12 that may be in within the third-party apps 06:30:00

13 themselves via Firebase. Am I -- am I off 06:30:04

14 on that in terms of understanding how at 06:30:08

15 least on a very basic level how app 06:30:10

16 indexing kind of works? 06:30:16

17 A. That's not how I understand -- 06:30:17

18 Q. Oh, please -- 06:30:17

19 A. -- app indexing to work. 06:30:20

20 Q. Yeah, how -- how -- how do you 06:30:21

21 understand how, on a technical level, how 06:30:22

22 does app indexing actually work? 06:30:24

23 A. My understanding is that an app 06:30:26

24 that -- that tags -- I'm not even sure if 06:30:29

25 that's the right terminology for this 06:30:32

Page 213

1 particular service, their app accordingly 06:30:34  
2 will then write that app activity into a 06:30:38  
3 GMS Core API on Android. That data is 06:30:43  
4 then made available to the Google Search 06:30:47  
5 App on your phone and if the user has the 06:30:52  
6 appropriate settings, either in the Google 06:30:55  
7 Search app or in GMS Core, I can't recall, 06:30:59  
8 and sWAA is enabled, then that data may be 06:31:02  
9 uploaded to their Google account. And so 06:31:06  
10 it is -- to -- to reiterate that, [REDACTED] 06:31:08  
11 [REDACTED] 06:31:13  
12 [REDACTED] 06:31:17  
13 [REDACTED] 06:31:21  
14 [REDACTED] 06:31:26  
15 Q. So does -- does Google Search 06:31:28  
16 app know whether or not that -- oops, 06:31:36  
17 sorry. 06:31:37  
18 [REDACTED] 06:31:38  
19 [REDACTED] 06:31:41  
20 [REDACTED] 06:31:51  
21 [REDACTED] 06:31:56  
22 A. As we discussed prior to the 06:31:58  
23 lunch break, I -- [REDACTED] 06:32:02  
24 [REDACTED] 06:32:08  
25 [REDACTED] 06:32:12

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1	[REDACTED]	06:32:17
2	[REDACTED]	06:32:22
3	[REDACTED]	06:32:27
4	[REDACTED]	06:32:28
5	[REDACTED]	06:32:31
6	Q. In -- in terms of before -- was	06:32:32
7	that always the way app indexing worked,	06:32:34
8	in other words, did app indexing always	06:32:38
9	[REDACTED]	06:32:40
10	[REDACTED]	06:32:46
11	that a change that happened the last few	06:32:50
12	years or the last few months?	06:32:53
13	A. To the -- the best of my memory,	06:32:56
14	that's how it has always operated is that	06:32:58
15	[REDACTED]	06:33:02
16	[REDACTED]	06:33:05
17	[REDACTED]	06:33:08
18	[REDACTED] [REDACTED]	06:33:12
19	[REDACTED]	06:33:14
20	[REDACTED]	06:33:16
21	[REDACTED]	06:33:19
22	[REDACTED]	06:33:22
23	[REDACTED]	06:33:23
24	[REDACTED]	06:33:26
25	Q. So -- so now this makes me	06:33:27

Page 215



1 wonder, why -- why does -- you see here on 06:33:30  
2 this page, [REDACTED] 06:33:33  
3 [REDACTED] 06:33:36  
4 [REDACTED] 06:33:42  
5 A. Well, I -- I think there -- as 06:33:49  
6 I -- I believe we discussed before, there 06:33:52  
7 are sizable differences between the 06:33:55  
8 different purposes for these servers -- 06:33:57  
9 these services that a user interacts with 06:34:01  
10 and in the app indexing case that we're 06:34:03  
11 discussing, the only benefit to the user 06:34:07  
12 as explained in the Supplemental Web and 06:34:10  
13 App Activity setting is the 06:34:13  
14 personalization layer which then would 06:34:16  
15 require an upload and saving it against a 06:34:19  
16 Google account. If Supplemental Web and 06:34:22  
17 App Activity is off, the user has told us 06:34:26  
18 that we have technically instrumented such 06:34:28  
19 that we cannot save that data, therefore, 06:34:30  
20 there's no reason to try sending it. I -- 06:34:34  
21 I think that's different than how other 06:34:37  
22 products and services might provide their 06:34:40  
23 service. 06:34:43  
24 Q. So -- so you -- you think 06:34:45  
25 that -- that the logic for turning that 06:34:46

Page 216

1 off for app indexing doesn't apply to 06:34:49  
2 either display ads or Google Analytics 06:34:53  
3 which are also on this slide [REDACTED] 06:34:57  
4 [REDACTED] 06:34:59  
5 [REDACTED] 06:35:01  
6 [REDACTED] 06:35:04  
7 A. I -- I -- I don't think that's 06:35:07  
8 exactly what I said. [REDACTED] 06:35:08  
9 [REDACTED] 06:35:11  
10 [REDACTED] 06:35:16  
11 [REDACTED] 06:35:18  
12 [REDACTED] 06:35:22  
13 [REDACTED] 06:35:25  
14 [REDACTED] 06:35:27  
15 [REDACTED] 06:35:30  
16 Q. Are there any documents that you 06:35:38  
17 are aware of that explains the -- the 06:35:41  
18 logic behind the differences as to why 06:35:45  
19 some products with sWAA controls would 06:35:50  
20 check locally versus not check locally 06:35:56  
21 before uploading the data to Google 06:35:58  
22 servers? 06:36:03  
23 A. I'm not aware of any central 06:36:06  
24 document that might explain that, given 06:36:09  
25 that I think these decisions are really 06:36:13

1 per service basis we discussed prior. 06:36:15

2 Q. So when you saying it's decided 06:36:21

3 per service, do you mean that the product 06:36:23

4 manager for each service decides that? 06:36:25

5 Who is the gatekeeper person, like an 06:36:27

6 actual person or decision gatekeeper that 06:36:30

7 decides for something like this whether 06:36:33

8 it's, you know -- whether it's going to be 06:36:35

9 sent to Google servers first before 06:36:39

10 checking for, you know, the SWAA settings 06:36:43

11 that may be stored in Footprints? 06:36:48

12 MR. SANTACANA: Objection, 06:36:50

13 compound, calls for speculation. 06:36:51

14 A. I don't think there would be a 06:36:57

15 single individual given the -- the scope 06:36:58

16 of decisions that you explained. 06:37:00

17 BY MR. MAO: 06:37:00

18 Q. Yeah. Sorry. So -- so you 06:37:03

19 might have to -- it might be more Google 06:37:05

20 speak and Google ways than I understand, 06:37:08

21 I -- and I appreciate that you've been at 06:37:11

22 the company for a long time. You might 06:37:13

23 have to explain to me what that process 06:37:14

24 actually kind of like looks like for 06:37:17

25 something like this. And -- and I'm 06:37:19

Page 218

1 not -- again, I'm not trying to argue with 06:37:20  
2 you, I'm just trying to understand. Like 06:37:22  
3 so how would you decide that? Like -- 06:37:23  
4 like in a typical course -- and you can 06:37:25  
5 use any of these five products listed here 06:37:27  
6 on this slide, like how would that 06:37:30  
7 actually get decided as to, you know, this 06:37:32  
8 initial kind of gatekeeping question as to 06:37:35  
9 when -- when and where are the SWAA 06:37:38  
10 settings actually checked in the -- in 06:37:41  
11 the -- in the, you know, data flow 06:37:43  
12 process? 06:37:45

13 A. Outside of the products I 06:37:47  
14 manage, I -- I would have to speculate as 06:37:48  
15 to those decisions and discussions. 06:37:50

16 Q. How about within the products 06:37:52  
17 that you do manage? 06:37:53

18 A. Sure. Within Footprints, 06:37:57  
19 which -- which is obviously not listed 06:37:59  
20 here because it is the infrastructure 06:38:01  
21 enabling an aspect of these different 06:38:05  
22 Google Services' functionality, but 06:38:07  
23 traditionally decisions like this are made 06:38:12  
24 collaboratively between our partners, 06:38:15  
25 teams within Google, their needs of our 06:38:18

Page 219

1 discussed, the "plus Nick Linkow and I 07:09:51  
2 have discussed," I believe that's from me, 07:09:56  
3 not Mr. Ruemmler. 07:09:57  
4 BY MR. MAO: 07:09:57  
5 Q. Oh, okay. So in -- in response 07:09:58  
6 to your discussion on WAA/sWAA, were any 07:10:00  
7 changes or disclosures made to Firebase 07:10:04  
8 app developers regarding what happens when 07:10:09  
9 sWAA is off for their app user developer 07:10:15  
10 data? 07:10:18  
11 MR. SANTACANA: Objection, 07:10:19  
12 misstates the document. 07:10:19  
13 A. I was going to say the same. I 07:10:23  
14 think it misstates what I've written here. 07:10:25  
15 My reference of WAA/sWAA in this case is 07:10:28  
16 the same help center article that both Web 07:10:32  
17 and App Activity and Supplemental Web and 07:10:38  
18 App Activity are discussed in the same 07:10:39  
19 article. I don't believe that I'm 07:10:40  
20 referencing WAA and sWAA as two 07:10:41  
21 independent settings given the other 07:10:44  
22 context in this paragraph. And then to -- 07:10:46  
23 to answer your question, Mr. Mao, I -- 07:10:49  
24 I believe it's the same as my previous 07:10:51  
25 response that I don't think -- I'm not 07:10:52

1 aware of any changes to Google Analytics 07:10:55  
2 for Firebase third-party developer 07:10:59  
3 disclosures particularly given the context 07:11:01  
4 of this discussion with Mr. Ruemmler. 07:11:03  
5 BY MR. MAO: 07:11:03  
6 Q. Got it. So -- so -- so let me 07:11:06  
7 ask you with regard to app developers, how 07:11:07  
8 are app developers told that their 07:11:09  
9 end-users' data is still being collected 07:11:12  
10 even when sWAA is off? How are they 07:11:14  
11 informed? 07:11:20  
12 MR. SANTACANA: Outside the 07:11:22  
13 scope. 07:11:23  
14 A. I'm not sure how to answer 07:11:25  
15 the -- the question as described, Mr. Mao. 07:11:29  
16 I wonder if you could re-ask that. 07:11:31  
17 BY MR. MAO: 07:11:31  
18 Q. Sure, if I go back to that same 07:11:36  
19 interrogatory number 15, right, we know 07:11:37  
20 from Google's own responses, not prepared 07:11:41  
21 by me but by your counsel and your 07:11:44  
22 colleagues, that when sWAA is off, there 07:11:47  
23 is still conversion and personalization. 07:11:49  
24 Whatever extent that is, that may be for 07:11:54  
25 somebody else. My -- my question to you 07:11:56

1 Q. But did Google ever consider 09:16:51  
2 making sWAA-off turn off data collection? 09:16:53  
3 A. As we discussed previously, it 09:17:00  
4 depends on services, sWAA-off does disable 09:17:02  
5 data collection for some services like we 09:17:06  
6 discussed with the app indexing service 09:17:07  
7 where when sWAA is off, data is not sent 09:17:12  
8 to Google servers because it can't be used 09:17:15  
9 for the purpose for which it would be 09:17:17  
10 collected otherwise. 09:17:18  
11 Q. Did Google ever consider making 09:17:20  
12 sWAA-off turn off data collection for 09:17:22  
13 Google Analytics? 09:17:25  
14 MR. SANTACANA: Objection. 09:17:32  
15 (Cross-talk.) 09:17:49  
16 A. Sorry, Mr. Mao, I'll repeat 09:17:49  
17 my -- my answer. I -- I don't believe I'm 09:17:52  
18 able to answer. I think that's best for 09:17:55  
19 the Google Analytics team as the Google 09:17:57  
20 Analytics for Firebase service operates 09:18:00  
21 outside of strictly the Supplemental Web 09:18:03  
22 and App Activity setting. 09:18:06  
23 BY MR. MAO: 09:18:06  
24 Q. Got it. Did Google ever 09:18:07  
25 consider making sWAA-off turn off data 09:18:09

Page 303

CERTIFICATION

I, BELLE VIVIENNE, a Nationally  
Certified Realtime Reporter, do hereby  
certify:

That the witness whose testimony as  
herein set forth, was duly sworn by me;  
and that the within transcript is a true  
record of the testimony given by said  
witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage, and that I am  
in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 20th day of September  
2022.

*Belle Vivienne*

BELLE VIVIENNE, CRR, CCR, RPR

\* \* \*